

REMARKS

Claims 1-11 are pending in the application. Applicants amend claims 1 and 3-8 for further clarification. No new matter has been added.

The Examiner objected to claims 1-11 for an apparent informality, which Applicants correct by amendment to include a recitation of “Tandem Free Operation” for each first instance of “TFO.” Accordingly, Applicants respectfully request that the Examiner withdraw the objection.

Claims 5 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0152152 to Dunne et al. in view of U.S. Patent No. 7,136,375 to Koistinen; claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne et al., Koistinen, and further in view of U.S. Patent Application Publication No. 2004/0120302 to Sebire et al.; claims 4, 6, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne et al., Koistinen, and further in view of U.S. Patent No. 6,850,883 to Kapanen et al.; and claims 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne et al. in view of Kapanen et al., Koistinen, and further in view of Sebire et al. Applicants amend claims 1 and 4-8 in a good faith effort to further clarify the invention as distinguished from the cited references, and respectfully traverse the rejection.

The Examiner cited Koistinen as a new combining reference to specifically address the claimed TFO information detection features. The Examiner maintained that the description in Dunne et al. of data being replaced with enhanced data allegedly disclosed the claimed third mode particular data replacement feature. Page 5, lines 8-9 of the Office Action (citing paragraphs [0083]-[0086] of Dunne et al.).

Dunne et al., as cited and relied upon by the Examiner—and, correspondingly, the Examiner’s proposed combinations with Dunne et al., Koistinen, Sebire et al., and Kapanen

et al.—fail to disclose or suggest the claimed features of: performing a noise alleviation process on the second data; and replacing a part of the third data where the second data is multiplexed with a particular data pattern.

Applicants, again, respectfully submit that the Examiner clearly used the claimed invention itself as a blueprint to piece together the disparate features described in the cited references to meet the features of the claimed invention. Thus, the Examiner failed to establish a prima facie case of obviousness by solely relying upon improper hindsight from the claimed invention itself.

Accordingly, Applicants respectfully submit that independent claims 1 and 4-8 incorporating the above-noted features, together with claims 2-3 and 9-11 dependent therefrom, respectively, are patentable over the cited references for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

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